

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>HODELL-NATCO INDUSTRIES, INC.</b>	)	<b>CASE NO. 1:08 CV 2755</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b>JUDGE DONALD C. NUGENT</b>
<b>v.</b>	)	
	)	
<b>SAP AMERICA, INC., et al.</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**SAP'S NOTICE OF SUBPOENA TO TESTIFY AND PRODUCE DOCUMENTS**  
**AT TRIAL UNDER FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)**

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) and Rule 45 of the Federal Rules of Civil Procedure, Defendants SAP America, Inc. and SAP AG, Inc. (collectively “Defendants” or “SAP”) through its attorneys, serve this subpoena on Plaintiff Hodell-Natco Industries, Inc. (“Hodell”) to assign a corporate designee to produce documents and attend trial to offer testimony on June 15, 2015 at 8:30am, at Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113. *See Exhibit A.* The testimony will continue from day to day until complete, with such adjournments as may be necessary.

In accordance with Rule 30(b)(6) and Rule 45 of the Federal Rules of Civil Procedure, Hodell is hereby notified of its obligation to designate one or more officers, directors, or managing agents, or other persons who consent to testify and produce documents on Hodell's behalf with respect to matters set forth on the attached Exhibit A. Hodell shall provide SAP with the name(s) of the designated individual(s) and the category(ies) for which they have been designated. The individual(s) so designated shall be required to testify as to each of those matters. SAP reserves the

right to seek relief in the event that the designated individual(s) is (are) not properly prepared to testify on behalf of Hodell on the identified matters.

Dated: 6/10/15

Drinker Biddle & Reath LLP

By: 

Gregory J. Star  
Drinker Biddle & Reath LLP  
One Logan Square, Suite 2000  
Philadelphia, PA 19103-6996  
Telephone: (215) 988-2700  
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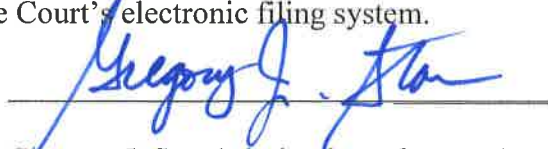
*Attorneys for Defendants*  
SAP America, Inc. and SAP AG

**CERTIFICATE OF SERVICE**

The undersigned certifies that on June 10, 2015, the foregoing was filed electronically.

Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Parties may access the document through the Court's electronic filing system.

A handwritten signature in blue ink, reading "Gregory J. Star", is written over a horizontal line.

Gregory J. Star (admitted *pro hac vice*)  
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*Attorneys for Defendants,*  
SAP America, Inc. and SAP AG

**EXHIBIT A TO 30(b)(6) SUBPOENA**  
**INSTRUCTIONS**

For purpose of responding to the subpoena, the following instructions shall apply:

A. Each request for production of a document or documents shall be deemed to be a request for the production of the original document or documents, to the extent that they are in or subject to, directly or indirectly, your control. In addition, each request should be considered as including all copies and, to the extent applicable, preliminary drafts of documents which, as to content, differ in any respect from the original or final draft or from each other (*e.g.* by reason of handwritten notes or comments having been added to one copy of a document but not on the original or other copies thereto).

B. Each request that seeks information relating in any way to Communications to, from, or within a business and/or corporate entity is hereby designated to mean, and should be construed to include, all Communications by and between representatives, employees, agents and/or servants of the business and/or corporate entity.

F. These requests for production are continuing and should you acquire any additional documents responsive to these requests, the responses shall be supplemented to provide the additional documents in accordance with the applicable Court Rules.

G. Electronically stored information (“ESI”) should be produced, as far as reasonably possible, in the following formats:

i. **General Format.** Except as noted below, ESI may be produced in either native format or TIFF format with linked text files for all ESI that is searchable in the ordinary course of business.

ii. **TIFFs.** Images should be delivered as 300 D.P.I. Group IV compression single-page TIFFs. TIFF images shall be clearly labeled to show redacted, privileged, non-responsive, or otherwise protected material. If documents are in color and produced in black and white, they shall be labeled as such. To the extent any document is produced in TIFF format, SAP reserves the right to request particular documents be produced in native format with all of their meta data and embedded data intact (including any metadata created or stored in any document management program).

iii. **Unique IDs.** Each image should have a unique file name and should be named with the Bates number assigned to it.

iv. **Text Files.** Document level extracted text files should be provided. Each document text file should be named according to the Bates or production number of the first page of the document to which it applies. Text from redacted pages should be produced in OCR format rather than extracted text.

v. **Database Load Files/Cross-Reference Files.** Documents should be provided with an IPRO delimited file and Concordance delimited file. Such files shall include the following field information for each document to the extent it exists: author, recipients (cc's and bcc's), source (e.g. pathname), date of creation, and last modified date.

vi. **Spreadsheets.** In spreadsheets all hidden columns shall be exposed. SAP reserves the right to request some or all spreadsheets produced in native format.

vii. **PowerPoints.** To the extent PowerPoints are produced and the originals contain speaker notes, the speaker notes shall be produced.

**DOCUMENT REQUESTS AND 30(b)(6) TOPICS**

1. The contracts or other agreements between Hodell and any Representative Agency, as identified during the deposition of Jaime Clarke. (Representative Agency shall include, but not be limited to, any company, individual, agent, or third-party that solicited business on behalf of or represented Hodell in the process of selling its products. As identified by Mr. Clarke, this shall include, but not be limited to, the following companies: R.L. English Company, Glen Levy Sales, McCormick and Associates, and Bob Bunce.
2. The Hodell marketing literature and product literature used by any Representative Agency, as identified during the deposition of Jaime Clarke.
3. All communications, including but not limited to e-mails, between Hodell (and its representatives), LSi, IBIS, Dale Van Leeuwen and/or and Daniel Lowery since November 21, 2008.